



California Fair Political Practices Commission

October 24, 1988

John T. Moran
Assistant City Attorney
City of Stockton
Office of the City Attorney
Stockton, CA 95202

RE: Your Request for Advice
Our File No. A-88-388

Dear Mr. Moran:

You have requested advice regarding the campaign disclosure provisions of the Political Reform Act of 1974.^{1/}

QUESTIONS

1. May campaign funds received prior to passage of Proposition 73 be used for campaign related purposes during 1988, as long as purchased goods are consumed and contracted services are completely rendered before January 1, 1989?

2. May funds received prior to June 8, 1988, which conform to the limits established by Proposition 73 be used for campaign related purposes after January 1, 1989?

CONCLUSIONS

1. The restrictions placed on the use of campaign funds established by Proposition 73 do not take effect until January 1, 1989. Thus, restrictions imposed by Proposition 73 do not apply to the raising or spending of campaign funds, as long as goods and services purchased are used prior to January 1, 1989.

2. Those funds raised prior to implementation of Proposition 73 which conform to the limits imposed by Sections 85301 through 85303 and 85305, may be segregated into a separate account and be used after January 1, 1989, for purposes of supporting a candidate's election to public office.

ANALYSIS

Section 85306 permits the use of campaign funds possessed on June 8, 1988, for any lawful purpose other than to support

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

or oppose a candidacy for elective office. Regulation 18536.2 (b)(4) (copy enclosed) defines an expenditure to "support or oppose a candidacy for elective office," in part, as any expenditure made by a candidate, a committee controlled by one or more candidates, or a committee primarily formed to support or oppose one or more candidates, except for the payment of the candidate's or committee's campaign debts incurred prior to January 1, 1989, for goods consumed or services completed prior to January 1, 1989. (Regulation 18536.2(b)(4)(A).) Therefore, all funds collected prior to January 1, 1989, by a candidate's committee, or a committee formed to support or oppose a candidate, may be used to purchase goods consumed and services completed prior to January 1, 1989.


Regulations 18536 and 18536.1 (copies enclosed) provide for the establishment of a separate bank account for contributions received prior to January 1, 1989, which are in compliance with contribution limitations as set forth in Sections 85301 through 85303 and 85305. Funds in this separate bank account may be used to support or oppose a candidate's campaign for public office after January 1, 1989.

The above-mentioned regulations were adopted by the Fair Political Practices Commission on an emergency basis. The Commission will consider permanent regulations at a later date. Please keep in contact with the Commission concerning the adoption of future regulations.

If you have additional questions, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel


By: Kevin S. Braaten-Moen
Political Reform Consultant



California Fair Political Practices Commission

October 13, 1988

John T. Moran
Assistant City Attorney
Office of the City Attorney
Stockton, CA 95202

Re: 88-388

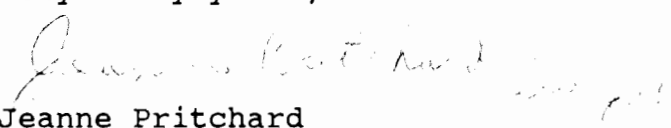
Dear Mr. Moran:

Your letter requesting advice under the Political Reform Act was received on October 11, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,


Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh

FPPC



R. THOMAS HARRIS.
CITY ATTORNEY

Oct 11 9 17 AM '88

CITY OF STOCKTON

OFFICE

OF THE CITY ATTORNEY
STOCKTON, CA 95202

TELEPHONE 209/944-8333
TELEFAX 209/463-1550

DEPUTIES

BARBARA J. ANDERSON
CYNTHIA L. HUMBERT
GUY D. PETZOLD
MICHAEL T. RISHWAIN
BART J. THILTGEN
MARK E. TRIBBLE

JOHN T. MORAN
ASSISTANT CITY ATTORNEY

October 6, 1988

Jeanette Turvill
Fair Political Practices Committee
P. O. Box 807
Sacramento CA 95804-0807

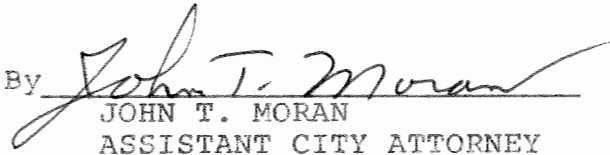
RE: PROPOSITION 73 REGULATIONS

It is my understanding from our telephone conversation this date that 2 Cal. Code of Regulations Section 18536.2(b)(4)(A) is being interpreted by the FPPC to mean any funds which a candidate presently has, no matter how long ago the funds were received, can be used without limit for campaign related purposes during 1988, provided purchased goods are consumed and contracted services are completely rendered before January 1, 1989.

It is also my understanding that under Section 18536.1, funds which were received before June 1988 but which were within the limits set by Proposition 73 and are accounted for by following the procedures set out in subsection (c) of 18536.1 can be used in 1989 for campaign purposes.

Please advise me if my interpretation of our conversation does not reflect the present position of the FPPC on the above subjects.

R. THOMAS HARRIS
CITY ATTORNEY

By 
JOHN T. MORAN
ASSISTANT CITY ATTORNEY

JTM:plc

cc: City Council
City Manager
City Clerk

"Stockton... Someplace Special!"